

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

Kimkhnal, Virak P.,

Debtor

CHAPTER 7

CASE NO. 1:14-bk-41381

DEBTOR'S EMERGENCY MOTION TO CONTINUE STAY

Now comes Debtor, Virak P. Kimkhnal, in the above noted case, who hereby respectfully requests this Honorable Court, pursuant to 11 U.S.C. 362(c)(3)(B) and Local Rule 4001-1(d), extend the stay of bankruptcy in this case. As reason therefore, Debtor states that she will be irreparably harmed should this Court not grant her motion on an emergency basis.

FACTS

On February 13, 2014, the Debtor in this case filed, *Pro se*, for protection from her creditors under Chapter 7, in case number 1:14-bk-40239. That case was subsequently dismissed for failure to file missing documents on February 21, 2014 and closed on March 28, 2014. No motion for relief from stay was pending or filed in said case at the time of dismissal.

On March 19, 2014, the Debtor filed a civil action action in Massachusetts Superior Court, for the county of Middlesex, against Deutsche Bank National Trust Company (Deutsche Bank), captioned *Kimkhnal v. Deutsche Bank National Trust Company*, C.A. No. 14-1373, alleging wrongful foreclosure due to Debtor's allegations that Deutsche Bank lacked the authority to foreclose the mortgage which had been given by Debtor that is the subject of the action, as they are not a valid assignee of that mortgage. (See: Exhibit 1). Deutsche Bank has

07/23/2014 DENIED. MOTIONS UNDER 11 U.S.C. § 362(C)(3) MUST BE FILED AND HEARD BEFORE THE EXPIRATION OF 30 DAYS AFTER THE FILING OF THE CASE. MLBR 4001-1(D)(2) REQUIRES SUCH MOTIONS TO BE FILED WITHIN 14 DAYS AFTER THE FILING OF THE CASE. THIS MOTION COMPLIES WITH NEITHER REQUIREMENT.

Michael A. Hoffman